

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JESUS RODRIGUEZ,

Plaintiff,

v.

9:12-CV-958

**DAVID ROSNER,
Medical Doctor,
Watertown Correctional Facility,**

Defendant.

**THOMAS J. McAVOY
United States District Judge**

DECISION & ORDER

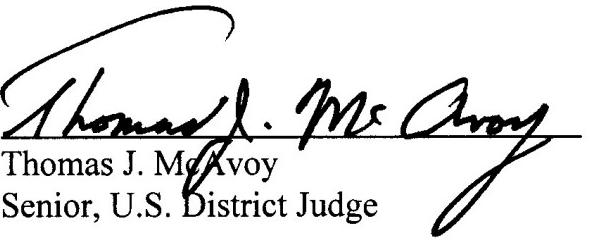
This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the December 5, 2012 Report-Recommendation were raised by the parties. After examining the record, the Court determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

Thus, it is ordered that: (1) Defendant's motion to dismiss be **GRANTED**; (2) Plaintiff's complaint be **DISMISSED WITHOUT PREJUDICE**; and (3) Plaintiff's motion for appointment of counsel be **DENIED** as moot.

IT IS SO ORDERED.

Dated:February 19, 2013


Thomas J. McAvoy
Senior, U.S. District Judge